

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THOMAS R. WHITE, *et al.*,

Civil Action No. 17-1775 (MCA) (JSA)

Plaintiffs,

v.

SAMSUNG ELECTRONICS AMERICA,
INC.,

ORDER

Defendant.

THIS MATTER having come before the Court on September 15, 2023, for a Telephonic Status Conference and to address outstanding discovery issues set forth in the parties' joint submissions dated August 2, 2023 and September 12, 2023 ("September 12th Submission") (ECF Nos. 234 & 239) and Plaintiffs' letter of August 30, 2023, (ECF No. 235); and the Court having discussed the status of the case with Plaintiffs and Defendant; reviewed the parties' above submissions; and for the reasons set forth on the record, which are incorporated herein at length; and for good cause shown;

IT IS on this 15th day of September 2023,

ORDERED THAT:

1. As to the "Terms and 'Consent' Records" identified as category one on page two of the parties' September 12th Submission, (ECF No. 239 at 2), Defendant shall produce on a rolling basis, beginning on **September 20, 2023**, the following documents related to the Automatic Content Recognition ("ACR") technology/software: (1) the full set of terms Defendant contends were presented to Samsung Smart TV users that relate to the collection of customers' data, (2)

documents showing how these terms were presented, and (3) records showing the “consent” selections specific users made. (*Id.*) Defendant shall make its second production by **October 20, 2023**, and shall indicate whether the production is complete or substantially complete. Defendant shall make any additional production by **November 20, 2023**.

2. As to the “Search Methods” identified as category two on page three of the parties’ September 12th Submission, (ECF No. 239 at 3), the parties shall have a meaningful meet and confer on or before **September 29, 2023** to address proposed agreed upon ESI search terms for Defendant’s custodians Messrs. Abuali and Chung.
3. As to the “Data Schema and Flow” identified as category three on page three of the parties’ September 12th Submission, (ECF No. 239 at 3), Defendant shall produce on or before **October 5, 2023**: (1) the data and documents describing the categories of data collected in real-time through users’ Smart TVs, and (2) the schema (i.e., description) for the data collected. If the document production is voluminous, Defendant shall abide by the same rolling basis production deadlines as set forth in paragraph one herein.
4. On or before **October 5, 2023**:
 - a. Defendant shall produce the information described in the “Named Plaintiffs’ Data” category on page four of the parties’ September 12th Submission, (ECF No. 239 at 4), for Plaintiff White’s Florida Smart TV;
 - b. Plaintiffs shall produce the PSIDs for Plaintiffs’ other five Smart TVs so that Defendant can produce the “Named Plaintiffs’ Data,” (ECF No. 239 at 4); and
 - c. The parties shall meet and confer regarding whether Defendant can produce data purportedly collected through ACR without Plaintiffs having to seek the discovery from Samsung Electronics Co., Ltd. (“SEC Ltd.”) through the

Hague Convention or having to seek leave to amend to add SEC Ltd. again as a party defendant.

5. As stated on the record, the parties have agreed to participate in private mediation on **September 29, 2023**, before Michelle Yoshida of Phillips ADR.
6. On or before **October 13, 2023**, the parties shall submit a joint letter, addressing the status of discovery, any unresolved discovery issues, and the outcome of mediation.
7. There shall be a Telephone Status Conference before the Undersigned on **November 21, 2023, at 12:00 p.m.** The Court will provide the parties with the conference call information in advance.
8. All other deadlines and requirements ordered by this Court's prior Pretrial Scheduling Order(s) shall remain in effect.
9. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(f) and 37.**

s/Jessica S. Allen
Hon. Jessica S. Allen
United States Magistrate Judge

cc: Hon. Madeline Cox Arleo, U.S.D.J.